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OFFICE OF PETITIONS

In re Application of :
Timothy Robinson :
Application No. 09/765,789 :
Filed: January 19, 2001 : ON PETITION
Attorney Docket Number: :
129510.00001 :

This is a decision on the Petition, filed May 14, 2001, and re-filed and supplemented on April 28, 2006, requesting the application be accorded a filing date of January 19, 2001, including 4 sheets of drawing Figures described in the specification.

The petition is **dismissed**.

The application was filed on January 19, 2001. However, on March 14, 2001, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figure 4 described in the specification appeared to have been omitted from the application.

Applicant responds with the instant petition wherein Applicant avers that 4 sheets of drawings, Figures 1-4, were originally filed with the application on January 19, 2001, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of his return-receipt postcard, acknowledging receipt of, *inter alia*, 4 Figures, 4 sheets of informal drawings in the above-identified application by this Office on January 19, 2001¹.

¹A review of the original petition papers filed on May 14, 2001 reveal that neither a copy of the return-receipt postcard, nor a copy of the missing drawing sheet/Figure, were filed at that time; however, Applicant has included the copy of the postcard (but not the drawing) with the re-filed petition.


"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

However, Applicant a review of the petition papers filed reveals that Applicant has failed to file a copy of the missing drawing Figure/sheet.

Accordingly, the petition is dismissed.

Applicant should file a request for reconsideration of the petition and include a copy of the missing Figure/sheet.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Attorney
Office of Petitions